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DOH. 17-13

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING LICENSURE

Applicant.

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The Board considered the evidentiary testimony of Francie Miller, Board Investigator.

The Board also considered the affidavit and other public documents on file in this case and being charged with the statutory obligation to protect the public health, safety and welfare set forth in SDCL § 36-9, including the protection of the public from unsafe nursing practices and practitioners, the Board hereby makes the following:

### **FINDINGS OF FACT**

1. That Ebonie U. Thomas is licensed to practice as a registered nurse in the State of Illinois and holds license number 04371719.

2. That on or about April 13, 2017, Applicant initiated the online application process by endorsement at the Board's website.

3. The Applicant did not request a temporary permit to practice during the pendency of the application process.

4. The Applicant did not include any information on her application regarding employment hours.

5. Applicant was hired at a long term care facility on or about August 7, 2017, as a registered nurse. Shortly after she was hired, the Board was contacted by the Director of Nursing inquiring about Applicant's licensure status.

6. The facility could not verify any licensure for the Applicant on the Board's website.

7. The issue of Applicant's licensure arose during a state survey of the facility.

8. Applicant failed to complete her application for licensure with the Board.

9. The long term care facility made a complaint against the Applicant to the Board citing multiple concerns regarding Applicant's practice including:

- Signing off on medications before administering them;
- Failing to call a physician regarding a resident's blood pressure that was outside of the ordered parameters;

- Signing off orders before completing them;
- Throwing away extra pill packets if they were not needed during a particular med pass;
- Leaving the medication cart unlocked;
- Failing to apply oxygen to a resident who had an order to use it at night and if oxygen saturation dropped to 88%;
- Failing to locate and remove a nicotine patch on a resident and documenting that she was unable to find it when it was clearly visible on the resident's shoulder;
- Failing to do required blood sugar tests. When checking the glucometer there were four tests performed, and of the two that were performed, the blood sugars obtained did not match what Applicant documented in the chart;
- Failure to properly administer tube feeding when, at the end of her shift, it was observed that the feeding tube was unhooked and the formula was curdled.

10. Applicant worked 70 days without a South Dakota license.

11. The Board received no response from the Applicant following multiple attempts to reach her by phone, e-mail and U.S. Mail in regard to her licensure status and the complaints.

12. Applicant did not complete the licensure process prior to practicing in the State of South Dakota.

From the foregoing findings of fact, the Board draws the following:

### **CONCLUSIONS OF LAW**

1. That the Board has jurisdiction and authority over this matter pursuant to SDCL §§ 36-9-1.1 and 36-9-49.
2. That the Applicant's conduct as identified in the findings of fact is in violation of SDCL §§ 36-9-49 (9) and (10) and SDCL § 36-9-68.

THEREFORE, let an order be entered accordingly.

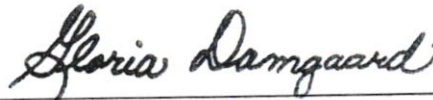
**ORDER**

Based on the Findings of Fact and Conclusions of Law, the South Dakota Board of Nursing hereby orders:

1. That Applicant's application for licensure in the State of South Dakota is hereby denied.
2. That the Applicant is hereby notified that any practice of or holding herself out as a registered nurse in the State of South Dakota is a violation of SDCL § 36-9-68.

Dated this 8<sup>th</sup> day of March, 2018.

SOUTH DAKOTA BOARD OF NURSING

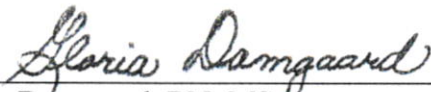


Gloria Damgaard, RN, MS  
Executive Director

The South Dakota Board of Nursing, at the hearing on the 9<sup>th</sup> day of February, 2018, and denied Applicant's application for licensure as written by a vote of 7-0, and issues its Order Denying Licensure consistent herein.

IT IS HEREBY ORDERED that the above Order Denying Licensure is adopted as an Order of the South Dakota Board of Nursing on this 8<sup>th</sup> day of March, 2018.

SOUTH DAKOTA BOARD OF NURSING

  
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Gloria Damgaard, RN, MS  
Executive Director